

REMARKS

This amendment is in response to the final Office Action dated November 23, 2005. Because this response is filed on May 23, 2006 with a three-month extension of time and a Request for Continued Examination, the amendment is timely filed and shall be considered.

I. Status of the Amendments

Prior to this amendment, claims 1-5, 7-10, and 13-17 were pending. By this amendment, claims 1-5, 7-10, and 13-17 have been canceled without prejudice to refile, and claims 18-26 have been added. Thus, claims 18-26 are presently pending.

II. Response to November 23 Office Action

In the November 23 Office Action, claims 1-5, 7-9 and 16-17 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Graunke et al. (U.S. Patent No. 5,991,399), and claims 10 and 13-15 were rejected under 35 U.S.C. 103 as allegedly obvious over Graunke et al. in view of Alcorn (U.S. Patent No. 5,643,086). While applicant has canceled claims 1-5, 7-10 and 13-17, thus mooting the rejections, applicants have the following comments regarding Graunke et al.

Claim 18 recites a method of operating a gaming device for operation. The method includes receiving a first set of operating data for a gaming device encrypted with a first private key and a second set of operating data for the gaming device encrypted with a second private key, the operating data comprising at least one of audio or video data used during play of a game on the gaming device, and selecting one of the first private key or the second private key according to a jurisdiction in which the gaming device is to be operated. The method also includes decrypting one of the first set of operating data or the second set of operating data according to the one of the first private key or the second private key selected to recover the one of the first set of operating data or the second set of operating data, storing the one of the first set of operating data or the second set of operating data, and utilizing the one of the first set of operating data or the second set of operating data to control at least one of an audio or a video aspect of the operation of the gaming device.

In particular, claim 18 recites receiving a first set of operating data for a gaming device encrypted with a first private key and a second set of operating data for the gaming device encrypted with a second private key, the operating data comprising at least one of audio or video data used during play of a game on the gaming device. Also, claim 18 recites selecting one of the first private key or the second private key according to a jurisdiction in which the gaming device is to be operated. These limitations are believed to be missing in Graunke et al.

In Graunke et al., a private key is selected according to the digital content to be accessed. That is, when the device of Graunke et al. attempts to access encrypted content, the player sends a message that includes the identifier of the encrypted content. Col. 7:20-21. In response, the server creates a key module containing the keys necessary to decrypt the selected encrypted content. Col. 7:28-33. The keys are then used to decrypt the selected encrypted content. Col. 8:64-66.

It is submitted that Graunke et al. neither discloses nor teaches the selection of the private key based on the identification of the jurisdiction of the allegedly corresponding gaming device, as is recited in claim 18. In Graunke et al., the selection of the key is based on the selection of the encrypted content to be accessed. The jurisdiction or location of the allegedly corresponding gaming device is not considered.

As for claims 19-21, these claims depend from claim 18. Consequently, to the extent that Graunke et al. lacks disclosure or teaching of at least one limitation of claim 18, then at least for this reason Graunke et al. lacks disclosure or teaching of at least one limitation of claims 19-21 as well.

Claim 22 recites a gaming device. The gaming device includes a memory device for storing a first set of operating data reversibly encrypted with a first private key and a second set of operating data reversibly encrypted in with a second private key, the operating data comprising at least one of audio or video data used during play of a game on the gaming device, and a secure access module having one of the first private key or the second private key stored therein according to a jurisdiction in which the gaming device is to be located, the secure access module capable of decrypting one of the first set of operating data or the second set of operating data according to the one of the first private key or the second private key stored therein. The gaming device also includes a programmable memory for storing the

decrypted one of the first set of operating data or the second set of operating data, and a controller adapted to use the decrypted one of the first set of operating data or the second set of operating data during the operation of the gaming device.

In particular, claim 22 recites that the gaming device includes the secure access module having one of the first private key or the second private key stored therein according to a jurisdiction in which the gaming device is to be located, the secure access module capable of decrypting one of the first set of operating data or the second set of operating data according to the one of the first private key or the second private key stored therein. It is believed that this limitation of claim 22 is similar to the limitations of claim 18 particularly noted above.

For this reason, applicants submit that the arguments raised above relative to Graunke et al. should apply with equal force to claim 22. In addition, the private key is stored in a secure access module which is part of the gaming device in the claimed gaming device of claim 22. By contrast, Graunke et al. states that the private key is dynamically generated and communicated in real-time when the player attempts to access the digital content. Col. 3:63-64. It is submitted that “pre-loading” of the key in this fashion recited in claim 22 is contrary to the statements of Graunke et al., such as are found at col. 3:61-63.

As for claims 23-26, these claims depend from claim 22. Consequently, to the extent that Graunke et al. lacks disclosure or teaching of at least one limitation of claim 22, then at least for this reason Graunke et al. lacks disclosure or teaching of at least one limitation of claims 23-26 as well.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director has been and is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 29757/P-227.

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Respectfully submitted,

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